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GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

February 22, 2016

Mr. Chris de Groot  
Director of Water and Sewer Utilities  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Dear Mr. de Groot:

**CITATION NO. : 02-17-16C-012**  
**NITRATE MONITORING AND REPORTING VIOLATION**  
**CITY OF SANTA CLARA, WATER SYSTEM NO. 4310012**

Enclosed is a citation issued to the City of Santa Clara. The citation is issued because the water system failed to comply with Section 64432.1(a), Chapter 15.5, Title 22, California Code of Regulations (CCR). The nitrate monitoring and reporting requirements were not met for the year 2015.

If you have any questions regarding this matter, please contact Jose P. Lozano IV at (510) 620-3459.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

Enclosures: 1) Sample Notice (Attachment A)  
2) Proof of Notification Form (Attachment B)

**Certified Mail # 7014 3490 0001 7031 0918**

cc: Santa Clara County Environmental Health Department (w/ encl.)

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**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

**TO:** City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

**ATTN:** Mr. Chris de Groot  
Director of Water and Sewer Utilities  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,**  
**SECTION 64432.1(a) – WATER SYSTEM NO. 4310012**

**CITATION NO. 02-17-16C-012**

**Issued on February 22, 2016**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section



1 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued  
2 or adopted thereunder.

3  
4 The State Water Resources Control Board, acting by and through its Division of Drinking  
5 Water (hereinafter "Division" or "DDW") and the Deputy Director for the Division (hereinafter  
6 "Deputy Director"), hereby issues a citation to the City of Santa Clara (hereinafter, "City" or  
7 "Water System") (mailing address: 1500 Warburton Avenue, Santa Clara, CA) for violation of  
8 California Code of Regulations (CCR), Title 22, Section 64432.1 subsection (a).

9  
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11 **APPLICABLE AUTHORITIES**

12 **Section 116650 of California Health and Safety Code provides:**

13  
14 (a) If the department determines that a public water system is in violation of  
15 this chapter or any regulation, permit, standard, citation, or order issued or adopted  
16 thereunder, the department may issue a citation to the public water system. The citation shall  
17 be served upon the public water system personally or by certified mail. Service shall be  
18 deemed effective as of the date of personal service or the date of receipt of the certified mail.  
19 If a person to whom a citation is directed refuses to accept delivery of the certified mail, the  
20 date of service shall be deemed to be the date of mailing.

21  
22 (b) Each citation shall be in writing and shall describe the nature of the  
23 violation or violations, including a reference to the statutory provision, standard, order,  
24 citation, permit, or regulation alleged to have been violated.

25 (c) A citation may specify a date for elimination or correction of the condition  
26 constituting the violation.



1 (d) A citation may include the assessment of a penalty as specified in  
2 subdivision (e).

3 (e) The department may assess a penalty in an amount not to exceed one  
4 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day  
5 that a violation continues to occur. A separate penalty may be assessed for each violation.  
6  
7

8 **California Code of Regulations, Title 22, Section 64432.1 subsection (a) provides, in**  
9 **relevant part:**  
10

11 (a) To determine compliance with the MCL for nitrate in Table 64431-A, all  
12 public water systems using groundwater and transient-noncommunity systems using  
13 approved surface water shall monitor annually, and all community and nontransient-  
14 noncommunity systems using approved surface water shall monitor quarterly.  
15  
16

17 **STATEMENT OF FACTS**  
18

19 The City of Santa Clara is a community water system that is located in Santa Clara County,  
20 adjacent to City of San Jose, City of Milpitas, City of Sunnyvale, and City of Cupertino. The  
21 Water System has numerous sources of water supply, which consists of 29 groundwater  
22 wells and purchased treated water from the San Francisco Public Utilities Commission  
23 (SFPUC) and the Santa Clara Valley Water District (SCVWD). The distribution system  
24 consists of six treated water storage tanks, three pump stations, and a distribution system.  
25

26 Pursuant to Title 22, CCR, Section 64432.1(a), the City is required to collect one source  
27 sample for nitrate from each active operative groundwater source and report the result via  
Electronic Data Transfer (EDT). During the 2015 compliance period, based on Division's



1 records, the Water System failed to report, via EDT in a timely manner, the results of nitrate  
2 sampling for six active operative groundwater wells completed in 2015. Specifically, the City,  
3 according to Division records, sampled for nitrate in 2015 at the following active wells: Well  
4 2-02 (Primary Station Code (PSC) No. 4310012-002); Well 04 (PSC No. 4310012-004); Well  
5 07 (PSC No. 4310012-007); Well 14 (PSC No. 4310012-015); Well 18-02 (PSC No.  
6 4310012-019); and Well 30 (PSC No. 4310012-031). However, the City failed to report, via  
7 EDT, the nitrate sampling results collected in 2015 at the above-mentioned wells in timely  
8 manner. Therefore, the City violated the nitrate monitoring and reporting requirement for the  
9 2015 compliance period.

#### 10 11 12 **DETERMINATION**

13 The Division has determined that the City failed to comply with the nitrate monitoring and  
14 reporting requirements for the 2015 compliance period.  
15  
16

#### 17 **DIRECTIVES**

18 The City is hereby directed to take the following actions:  
19

- 20
- 21 1) Forthwith, the City shall cease and desist from failing to comply with the nitrate  
22 monitoring and reporting requirements. Specifically, the City must monitor and report  
23 via EDT in a timely manner the nitrate samples for each of its active wells every year.  
24
  - 25 2) The City shall conduct public notification for the nitrate monitoring and reporting  
26 violation within one year in conformance with Section 64463.7(c), Chapter 15, Title  
27 22, California Code of Regulations (CCR). Enclosed is a sample copy of public



1 notification that may be used (Attachment A). Division approval of the proposed  
2 notice is required prior to performing notification. The notification shall be completed  
3 in accordance with each of the following methods:

- 4 a. Mail or direct delivery to each customer receiving a bill including those that  
5 provide their drinking water to others (e.g., schools or school systems,  
6 apartment building owners or large private employers), and other service  
7 connections to which water is delivered by the water system, and  
8 b. Use of one or more of the following methods to reach persons not likely to be  
9 reached by a mailing or direct delivery (renters, etc.):  
10 1. Publication in a local newspaper;  
11 2. Posting in conspicuous public places served by the water system, or  
12 on the Internet; or  
13 3. Delivery to community organizations.

14  
15 As an alternative, notification can be performed by including the notice in the 2015  
16 Consumer Confidence Report in accordance with Section 64463.7 (d), Chapter 15,  
17 Title 22, CCR. Wording of the notice shall be approved by the Department prior to  
18 distribution. A sample notice (Attachment A) is enclosed that may be used to fulfill  
19 the notification requirement.

20 Proof of notification must be provided to the Division. This can be met by submitting  
21 a completed Proof of Notification form (Attachment B). Please notify this office by  
22 March 31, 2016, as to the method or methods, the City will use to fulfill the public  
23 notification requirement.  
24

- 25  
26 3. Prepare a written Corrective Action Plan (CAP) that describes the specific actions that  
27 will be taken to ensure that future nitrate monitoring and reporting violations will not  
occur. Submit the CAP to the Division by March 31, 2016.



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The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves the City of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

Mr. Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board  
850 Marina Bay Parkway, Building P, Second Floor  
Richmond, CA 94804

**PARTIES BOUND**

This Citation shall apply to and be binding upon the City, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.



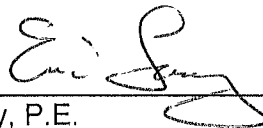
**SEVERABILITY**

The Directives of this Citation are severable, and the City shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

February 22, 2016  
Date

  
Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

Attachments

CERTIFIED MAIL # 7014 3490 0001 7031 0918

cc: Santa Clara County Environmental Health Department (w/ attachments)





**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

**Monitoring Requirements Not Met for  
The City of Santa Clara, Water System No. 4310012**

Our water system failed to monitor and report as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis and report the results in a timely manner to the Division of Drinking Water. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2015, we did not report, via EDT in a timely manner, the nitrate sampling results for six active wells completed in 2015.

**What should I do?**

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Sample Results Not Reported via EDT in a timely manner</i>	<i>When All Sample Results Should Have Been Reported via EDT</i>	<i>When Sample Results Were Reported</i>
Nitrate	One sample per year	Six	January 10, 2016	February 17, 2016

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

Attachment A

**Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by the City of Santa Clara.

State Water System ID#: 4310012.

Date distributed: \_\_\_\_\_.

**PROOF OF NOTIFICATION**

City of Santa Clara  
System Number: 4310012

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the City of Santa Clara of the violations of Title 22, California Code of Regulations (CCR) for the 2015 compliance period. I complied with the directives of this citation as indicated below:

Required Action

Date  
Completed

Conduct Public Notification – (Attach copy of the notice used.)

Submit Corrective Action Plan


\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE SWRCB DIVISION OF DRINKING WATER. A COPY OF THE NOTICE USED MUST BE ATTACHED TO THIS FORM.**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.